

DOCKET NO.: C1037.70048US00

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 10/644,052  
Confirmation No.: 4791  
Filed: August 19, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS  
Examiner: Nina Archie  
Art Unit: 1645

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 30<sup>th</sup> day of July, 2007.



Lisa M. Rosenberg

**MAIL STOP AMENDMENT**  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

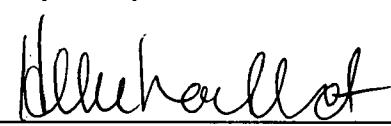
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:



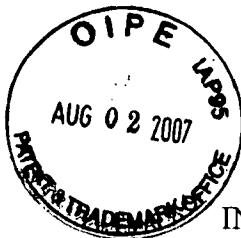
Helen C. Lockhart, Ph.D., Reg. No.: 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70048US00

Date: July 30 2007

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /N.A./



JFW

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Lisa M. Rosenberg

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**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**STATEMENT FILED PURSUANT TO THE DUTY OF**  
**DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

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Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

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**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /N.A./

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
11/542,845	10-04-2006	Krieg et al.	*C1037.70048US01
11/543,314	10-04-2006	Lipford et al.	*C1041.70036US02
11/595,823	11-10-2006	Wagner et al.	*C1041.70035US01
11/598,207	11-10-2006	Krieg et al.	*C1039.70048US24
11/629,106	12-08-2006	Lipford et al.	*C1041.70027US01
11/645,106	12-22-2006	Krieg et al.	*C1039.70083US17
11/706,561	02-15-2007	Uhlmann et al.	*C1041.70046US02
11/725,339	03-19-2007	Schetter et al.	*C1041.70019US01

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

**PART III: Remarks**

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



Helen C. Lockhart, Ph.D., Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70048US00  
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xNDDx

1219727.1

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /N.A./

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <small>O I P E L A P S</small> <small>AUG 02 2007</small> FORM PTO-1449/A and B (modified PTO/SB/08)				APPLICATION NO.: 10/644,052	ATTY. DOCKET NO.: C1037.70048US00
				FILING DATE: August 19, 2003	CONFIRMATION NO.: 4791
				APPLICANT: Krieg et al.	
				GROUP ART UNIT: 1645	EXAMINER: Nina Archie
Sheet	1	of	2		

#### U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A99	6,221,882	B1	Macfarlane	04-24-2001
	A100	6,399,630	B1	Macfarlane	06-04-2002
	A101	6,479,504	B1	Macfarlane et al.	11-12-2002
	A102	6,521,637	B2	Macfarlane	02-18-2003
	A103	6,943,240	B2	Bauer et al.	09-13-2005
	A104	6,949,520	B1	Hartmann et al.	09-27-2005
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	A106	7,223,741	B2	Krieg	05-29-2007
	A107	2002-0164341	A1	Davis et al.	11-07-2002
	A108	2003-0232856	A1	Macfarlane	12-18-2003
	A109	2004-0067902	A9	Bratzler et al.	04-08-2004
	A110	2004-0198680	A1	Krieg	10-07-2004
	A111	2005-0148537	A1	Krieg et al.	07-07-2005
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	A113	2005-0171047	A1	Krieg et al.	08-04-2005
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	A119	2005-0233995	A1	Krieg et al.	10-20-2005
	A120	2005-0233999	A1	Krieg et al.	10-20-2005
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	A123	2005-0239734	A1	Uhlmann et al.	10-27-2005
	A124	2005-0239736	A1	Krieg et al.	10-27-2005
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	A126	2005-0250726	A1	Krieg et al.	11-10-2005
	A127	2005-0256073	A1	Lipford et al.	11-17-2005
	A128	2005-0267064	A1	Krieg et al.	12-01-2005
	A129	2005-0277604	A1	Krieg et al.	12-15-2005
	A130	2005-0277609	A1	Krieg et al.	12-15-2005

EXAMINER:	DATE CONSIDERED:
/Nina Archie/	05/14/2008

<sup>#</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

**ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /N.A./**

FORM PTO-1449/A and B (modified PTO/SB/08)				APPLICATION NO.: 10/644,052	ATTY. DOCKET NO.: C1037.70048US00
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				FILING DATE: August 19, 2003	CONFIRMATION NO.: 4791
				APPLICANT: Krieg et al.	
Sheet	2	of	2	GROUP ART UNIT: 1645	EXAMINER: Nina Archie

	A131	2006-0003955	A1	Krieg et al.	01-05-2006
	A132	2006-0003962	A1	Ahluwalia et al.	01-05-2006
	A133	2006-0019916	A1	Krieg et al.	01-26-2006
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	A135	2006-0058251	A1	Krieg et al.	03-16-2006
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	A146	2006-0246035	A1	Ahluwalia et al.	11-02-2006
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	A148	2006-0287263	A1	Davis et al.	12-21-2006
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	A151	2007-0037767	A1	Bratzler et al.	02-15-2007
	A152	2007-0065467	A1	Krieg et al.	03-22-2007
	A153	2007-0066553	A1	Krieg et al.	03-22-2007
	A154	2007-0066554	A1	Krieg et al.	03-22-2007
	A155	2007-0078104	A1	Krieg et al.	04-05-2007
	A156	2007-0129320	A9	Davis et al.	06-07-2007
	A157	2007-0142315	A1	Forsbach et al.	06-21-2007

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
	B7	WO	01/97843	A2	University of Iowa Research Foundation	12-27-2001	

EXAMINER:  /Nina Archie/	DATE CONSIDERED:  05/14/2008
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